

Action Information

Action Title: Partial Deletion of the Vasquez Boulevard and I-70 Superfund Site (Site) from the National Priorities List (NPL).

Purpose: The EPA Region 8 is publishing this Notice of Intent for Partial Deletion (NOIPD) of the Vasquez Boulevard and I-70 Superfund Site from the NPL. This NOIPD is only for Operable Unit 1 (OU1). The final Remedial Action report for OU1 was signed on February 22, 2017. The current action deletes OU1 of the Site from the NPL. Deletion from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of a site from the NPL does not in any way alter the EPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist the EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

Background: The Vasquez Boulevard and I-70 Superfund Site (CO0002259588) covers approximately 4.5 square miles located in the north-central section of Denver, Colorado. Historically, the Site and the area around the Site was a major smelting center for the Rocky Mountain West. The Omaha & Grant Smelter, the Argo Smelter, and the ASARCO Globe Smelter all previously operated in the area refining gold, silver, copper, lead, and zinc.

The Vasquez Boulevard and I-70 Superfund Site was placed on the U.S. Environmental Protection Agency (EPA) Superfund National Priorities List (NPL) on July 22, 1999 (64 FR 39878) due to metal contamination associated with historical smelter operations. The primary contaminants of concern are lead and arsenic. Subsequent investigations indicated that arsenic contamination might also be present as a result of application of lawn care products.

For the purposes of the remedial investigation and remedy development, EPA segregated the VB/I-70 Site into the following three operable units: OU1 is defined as residential yards within the Site with levels of lead or arsenic in soil that present an unacceptable risk to human health. OU1 includes the Denver neighborhoods of Cole, Clayton, Swansea, Elyria, as well as the southwest portion of the Globeville neighborhood, and a northern section of the Curtis Park neighborhood; OU2 is defined as the area where the former Omaha & Grant Smelter operated and includes all environmental media impacted by releases of hazardous substances from the smelter; OU3 is defined as the area where the former Argo Smelter operated and includes all environmental media impacted by releases of hazardous substances from that smelter. This partial deletion removes only Operable Unit 1 from the NPL. Operable Units 2 and 3 are not affected by this rule-making and will remain on the NPL.

EPA and CDPHE signed the ROD detailing the final remedy for OU1 in September 2003. The selected remedy for OU1 consisted of three components to address lead and arsenic contamination in residential soils: soil sampling, soil removal, and a community

health program. The action levels for soil removal were 400 ppm for lead and 70 ppm for arsenic. EPA sampled 4445 residences and performed cleanup at 814 residences. In 2009, the EPA conducted the first Five Year Review (FYR) of the remedy at VB/I-70. Based on these FYR results, the EPA determined the remedy at OU1 was not protective of human health for properties where EPA was not granted access from the property owner to either sample or cleanup despite EPA contacting the owner numerous times. An explanation of significant difference was signed on September 30, 2014 to incorporate additional informational institutional controls for the unaddressed properties into the OU1 remedy. These institutional controls included: notices of environmental conditions or notices of potential environmental conditions filed with the City and County of Denver Clerk and Recorder's office on each unaddressed property. In addition, annual informational letters sent to each owner of record, as well as each property address to ensure that any tenants would be aware of the potential for soil contamination and to provide information on how to minimize the potential for exposure to potentially contaminated soil.

Stakeholder Involvement: The EPA consulted with Colorado Department of Public Health and Environment (CDPHE) prior to developing this NOIPD. Concurrently with the publication of this NOIPD, a notice of the availability of the NOIPD is being published in the local newspaper, the Denver Post. The newspaper notice announces the 30-day public comment period for the NPL deletion. In addition, the EPA placed copies of documents supporting the proposed deletion in the deletion docket and made these items available for public inspection and copying at the Site information repository. EPA will prepare a response to comments and continue with the deletion process, if appropriate.

Key Issues/Internal Review: On February 2017, the EPA signed the final Remedial Action report to document that all response actions for OU1 of the Vasquez Boulevard and I-70 Superfund Site had been completed in accordance with the EPA's Close Out Procedures for National Priorities List Sites (OSWER Directive 9320.2-22 May 2011). The EPA has followed the procedures required by 40 CFR 300.425(e) and the implemented remedy achieves the degree of cleanup specified in the RODs for all pathways of exposure. Having met all the remedial objectives outlined in the RODs, no further Superfund response is needed to protect human health and the environment at the Site. Therefore, the EPA in consultation with the CDPHE, has determined that the OU1 remedy is complete and no further action is needed.

Legal Deadlines: There are no legal deadlines associated with the partial deletion of Site from the NPL.

Timing: CDPHE issued a concurrence letter on November 2, 2018 to delete OU1. On February 22, 2017, the EPA signed the final Remedial Action report. The EPA headquarters concurred on the Vasquez Boulevard and I-70 Superfund Site Notice of Intent for Partial Deletion. The Regional Administrator of Region 8 signed the NOIPD.